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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Andorra, Argentina, Armenia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Central African Republic, Chile, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Monaco, Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of): revised draft resolution

Elimination of all forms of intolerance and of discrimination based on religion or belief

The General Assembly,

Recalling its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights,[1] article 18 of the Universal Declaration of Human Rights[2] and other relevant human rights provisions,

Recalling further its previous resolutions on the elimination of all forms of intolerance and of discrimination based on religion or belief, including resolution 62/157 of 18 December 2007, as well as Human Rights Council resolution 6/37 of

[1] See resolution 2200 A (XXI), annex.

[2] Resolution 217 A (III).

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14 December 2007,[3] in which the Council, inter alia, extended the mandate of the Special Rapporteur on freedom of religion or belief,[4]

Reaffirming the recognition by the 1993 World Conference on Human Rights that all human rights are universal, indivisible, interdependent and interrelated, and its call upon all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,[5]

Considering that religion or belief, for those who profess either, is one of the fundamental elements in their conception of life and that freedom of religion or belief should be fully respected and guaranteed,

Considering also that the disregard for and infringement of human rights and fundamental freedoms, in particular the right to freedom of thought, conscience and religion or belief, have brought, directly or indirectly, wars and great suffering to humankind,

Recognizing the important work carried out by the Human Rights Committee in providing guidance with respect to the scope of the freedom of religion or belief,

Resolved to speed up the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Believing that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience and religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as also noted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

Reaffirming that everyone has the right to freedom of thought, conscience, religion or belief, which includes the freedom to change one's religion or belief and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance,

Concerned at attacks on religious places, sites and shrines, including any deliberate destruction of relics and monuments,

Seriously concerned at misuse of registration procedures and at the resort to discriminatory registration procedures as a means to limit the right to freedom of religion or belief of members of certain religious communities, at the limitations placed on religious materials and at the obstacles placed in the way of construction of places of worship inconsistent with the exercise of the right to freedom of religion or belief,

Noting that a formal or legal distinction at national level between different kinds of religions or beliefs may, in some cases, constitute discrimination and may impinge on the enjoyment of the freedom of religion or belief,

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[3] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. I, sect. A.

[4] Ibid., para. 18.

[5] See A/CONF.157/24 (Part I), chap. III, sect. II, para. 22.

Recognizing the importance of interreligious and intrareligious dialogue in promoting tolerance in matters relating to religion or belief, and welcoming different initiatives in this regard, including the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization,

Emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance, respect and freedom of religion or belief,

Convinced of the need to address the rise in all parts of the world of religious extremism that affects the rights of individuals, the situations where violence and discrimination that affect many women as well as individuals from other vulnerable groups are carried out in the name of religion or belief or in accordance with cultural and traditional practices, and the misuse of religion or belief for ends inconsistent with the Charter of the United Nations, as well as other relevant instruments of the United Nations,

Underlining the importance of education in the promotion of tolerance, which involves the acceptance by the public of, and its respect for, diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

1. *Condemns* all forms of intolerance and of discrimination based on religion or belief, as well as violations of freedom of thought, conscience and religion or belief;

2. *Stresses* that the right to freedom of thought, conscience and religion applies equally to all people, regardless of their religions or beliefs, and without any discrimination as to their equal protection by the law;

3. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest one's religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion, which implies that those limitations must be non-discriminatory and directly related and proportionate to the specific need on which they are predicated;

4. *Recognizes with deep concern* the overall rise in instances of intolerance and violence directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;

5. *Expresses concern* over the persistence of institutionalized social intolerance and discrimination practised against many in the name of religion or belief;

6. *Recalls* that legal procedures pertaining to religious or belief-based groups and places of worship are not a prerequisite for the exercise of the right to manifest one's religion or belief;

7. *Emphasizes* that the conduct of such procedures, as described in paragraph 5 above, at the national or local level, and as and when legally required,

should be non-discriminatory in order to contribute to the effective protection of the right of all persons to practise their religion or belief either individually or in community with others and in public or private;

8. *Recognizes with concern* the situation of persons in vulnerable situations, including persons deprived of their liberty, refugees, asylum-seekers and internally displaced persons, children, persons belonging to national or ethnic, religious and linguistic minorities and migrants, as regards their ability to freely exercise their right to freedom of religion or belief;

9. *Urges* States to step up their efforts to eliminate intolerance and discrimination based on religion or belief, and to this end:

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practise freely one's religion, including the right to change one's religion or belief, is violated;

(b) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture and other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights;

(c) To ensure that no one is discriminated against on the basis of his or her religion or belief when accessing, inter alia, education, medical care, employment, humanitarian assistance or social benefits;

(d) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of any person to manifest his or her religion or belief, alone or in community with others and in public or in private;

(e) To ensure that no official documents are withheld for reasons grounded in a person's religion or belief and that if religious affiliation is mentioned in any such documents, the individual has the right to refrain from disclosing this type of information, or to indicate "other religion" or "no religion";

(f) To refrain from forcing someone who wishes to fill a public post to take an oath swearing his or her allegiance to any religion against his will;

(g) To provide, in the case where official recognition of religious marriages exists, for the alternative of a civil registration of marriages;

(h) To ensure the right of all persons to worship or assemble in connection with a religion or belief and their right to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas;

(i) To ensure, in particular, that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(j) To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration and destruction;

(k) To ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of fulfilling their official duties, respect all religions or beliefs and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate education or training is provided;

10. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means;

11. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing;

12. *Urges* States to step up their efforts to eliminate intolerance and discrimination based on religion or belief, notably by:

(a) Taking all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world, and devoting particular attention to practices that violate the human rights of women and discriminate against women, including in the exercise of their right to freedom of thought, conscience, religion or belief;

(b) Promoting and encouraging, through education and other means, understanding, tolerance and respect in all matters relating to freedom of religion or belief and undertaking all appropriate efforts to encourage those engaged in teaching to promote mutual understanding, tolerance and respect;

13. *Stresses* the need to strengthen dialogue, inter alia, through the Alliance of Civilizations and the High Representative for the Alliance and the focal point designated within the Secretariat, as welcomed by the General Assembly in its resolution 62/90, to interact with various entities in the United Nations system and coordinate their contribution to dialogue;

14. *Emphasizes* the importance of a continued and strengthened dialogue among and within religions or beliefs, at all levels and with a broader participation, including of women, to promote greater tolerance, respect and mutual understanding;

15. *Invites* all actors to address in the context of interreligious and intercultural dialogue, inter alia, the following issues within the framework of international human rights:

(a) The rise of religious extremism affecting religions in all parts of the world;

(b) The situations where violence and discrimination that affect many women as well as individuals from other vulnerable groups are carried out in the name of religion or belief or in accordance with cultural and traditional practices;

(c) The misuse of religion or belief for ends inconsistent with the Charter of the United Nations as well as other relevant instruments of the United Nations;

16. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,[6] and further encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

17. *Recommends* that States, the United Nations and other actors, including non-governmental organizations and bodies and groups based on religion or belief, in their efforts to promote freedom of religion or belief, ensure the widest possible dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in as many different languages as possible, and promote its implementation;

18. *Welcomes* the work and the interim report of the Special Rapporteur on freedom of religion or belief;[7]

19. *Urges* all Governments to cooperate fully with the Special Rapporteur, to respond favourably to her requests to visit their countries and to provide all necessary information for the effective fulfilment of her mandate;

20. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary resources to fully discharge her mandate;

21. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-fourth session;

22. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixty-fourth session under the item entitled "Promotion and protection of human rights".

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[6] See resolution 36/55.

[7] See A/63/161.